

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

United States Courts
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

District of

Division

MAY 07 2020

David J. Bradley, Clerk of Court

SEE ATTACHED

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

HARRIS COUNTY SHERIFF DEPARTMENT

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

A. The Plaintiff(s)

Zip Code

☐ Individual capacity ☒ Official capacity

Zip Code

☐ Individual capacity ☐ Official capacity

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Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

CRUEL AND UNUSUAL PUNISHMENT, PRESUMPTION OF INNOCENCE &
VIOLATION OF PRISONERS CIVIL RIGHT, VIII & XIV
8TH 14TH AMENDMENTS

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

UNITED STATES
CONSTITUTION

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

OFFICIAL OPPRESSION, VIOLATION OF PRISONERS CIVIL RIGHT

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee -
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Other (explain) SEE ATTACHED

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

1200 BAKER STREET CELL # 3A2B, HARRIS COUNTY JAIL
STARTED, APRIL 25, 2020 THRU STILL NO SUPPLIES HOUSTON TX 77002
STARTED

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C. What date and approximate time did the events giving rise to your claim(s) occur?

SATURDAY, APRIL 25, 2020

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

SEVERAL INMATES ✓
 HAVE REQUESTED AND ASKED FOR CLEANING SUPPLIES ON
 SEVERAL OCCASIONS AND SENT REQUEST AND GRIEVANCES
 BUT WE HAVE NOT RECEIVED ANY, AND SEVERAL INMATES
 HAVE GOTTEN SICK AND HAVE BEEN REMOVED FROM OUR CELL.
 (ALL WITH THE COVID-19) WE'VE BEEN CLEANING USING OUR
 OWN PERSONAL TOWELS AND RAGS TO PREVENT THE SPREAD.
 V. Injuries If you sustained injuries related to the events alleged above, describe your injuries and state what medical
 treatment, if any, you required and did or did not receive. ~~A MR DELGADO WAS REMOVED FROM~~
~~OUR CELL SINCE HE WAS SICK.~~ WE ARE ALL SUFFERING FROM
 MENTAL ANGS, ~~AND~~ DURESS, STRESS, HOSTILITY, ~~AND~~ FROM GUARDS. THEY
 GAVE US A BROOM THEN TOOK IT AWAY FROM US THE VERY NEXT
 DAY AND WE ARE UNDER QUARANTINE WITH NO OUTSIDE ACCESS
 TO ~~ANY~~ SUPPLIES. MENTAL HEALTH TREATMENT FOR SOME TO
 VI. Relief A DEGREE (3) INMATES HAVE BEEN REMOVED WHO WERE SICK.

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.
 If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for
 the acts alleged. Explain the basis for these claims.

"SENT" at
 the least

WE WANT CLEANING SUPPLIES FOR FLOOR & SINKS AND
 A PRIVATE RESTROOM AREA.

\$1,700,000 DIVIDED EQUALLY FOR PAIN & SUFFERING,
 MENTAL DURESS, ANXIETY, FEAR, & STRESS

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VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

HARRIS COUNTY JAIL CELL 3A2B 1200 BAKER STREET
HOUSTON, TX 77002

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

FILED ON THE KIOSK

2. What did you claim in your grievance?

THAT WE HAVE HAD NO MOP & BROOM FOR OVER SIX DAYS AND I TOLD THE POD JAILER & CLEANING SUPPLIES AND SHIFT SUPERVISOR.

3. What was the result, if any?

NONE

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

FIRST - VERBAC - MR. JONES, REGIS, PAYAN AMONG OTHERS. SECOND - ~~ME~~ MR. TROXELL & REGIS SENT REQUEST FROM KIOSK. THIRD - MR. TROXELL & REGIS SENT GRIEVANCES AND CALLED FAMILY MEMBERS AS WELL.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☒ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) JOSHUA AARON TROXELL

Defendant(s) SHERIFF MARK DAVIS

2. Court (if federal court, name the district; if state court, name the county and State)

UNITED STATES EASTERN DISTRICT COURT EAST TEXAS

3. Docket or index number

/

4. Name of Judge assigned to your case

HONORABLE JUDGE CRONE / HAWTHORN

5. Approximate date of filing lawsuit

DECEMBER 15, 2019

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____ "SEE ATTACHED"

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

_____)	
<i>Plaintiff/Petitioner</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant/Respondent</i>)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

(a) Business, profession, or other self-employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(b) Rent payments, interest, or dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(c) Pension, annuity, or life insurance payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(d) Disability, or worker's compensation payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(e) Gifts, or inheritances	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(f) Any other sources	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ _____.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name

EX.

PRISONER STATUS

SN / CELL

ADDRESS / DATE ZIP

DATE

SIGNATURE

of
3

① JOSHUA AARON TROXELL

PRE TRIAL DETAINEE

01945862 / 3A2B

1200 BAKER STREET / 77002

MAY 4TH 2020

② Omar Suarez

PRE TRIAL DETAINEE

02058479 / 3A2B

1200 BAKER STREET / 77002

MAY 4TH 2020

Omar Suarez

③ Daryl Hatter

Pre trial Detainee

00783883 / 3A2B

1200 BAKER STREET / 77002

MAY 4TH 2020

Daryl Hatter

④ Thomas Martinez

Pretrial detainee

01484362 / 3A2B


1200 Baker St

May 4th 2020

Thomas Martinez, III

⑤ May 04 2020 Jones Dennis 00542899

Jones Dennis / 3A2B

ST ~~XXXXXXXXXX~~ CONVICTED STATE PRISONER TO 

⑥ Raul Zerameño Barcia

PRE TRIAL DETAINEE

02979167 / 3A2B

1200 BAKER STREET / 77002

MAY 4TH 2020

⑦ Michael Morales #01799991

PRE-TRIAL

3A2B 5/4/20



⑧ Alex Rogis

convicted & sentenced state

02637308 / 3A2B

1200 Baker St. 77002

⑨ ROBERT PAVAN

CONVICTED & SENTENCED STATE PRISONER

01799241 3A2B

1200 BAKER ST 77002

(2)
of
3

⑩ Jose Cantarero
02978320/3A2B
mayo 4th 2020

Pre TRIAL Detainee
1200 BAKER St / 77002
[Signature]

⑪ Jorge MAR
02648558 / 3A2B
may 4th 2020

Pre Trial Detainee
1200 BAKER St / 77002
[Signature]

⑫ Ivan Jose Solorio
02886287
may 4th 2020

pre trial Detainee
1200 baker st 77002
[Signature]

⑬ Michael Moore
02755472
May 4th 2020

Pre Trial Detainee
1200 Baker St / 77002
Michael Moore

⑭ David Ramos
00350060
MAY 4 2020

PRE TRIAL / detainee
1200 BAKER
David Ramos

⑮ Kelly Jenkins
00420250
5-4-2020

PRETRIAL / detainee
1200 Baker St.
Kelly Jenkins

df
3

(16) Godwin Bloomer-Igbokwe
02795704/3A2B pre-Trial detainee
1200 Baker St/77002
~~Godwin Bloomer~~

(17) Mateo De Dios
02149740
5/4/20

PRE TRIAL DETAINEE
1200 Baker Street 77002
Mateo De Dios